

111TH CONGRESS
1ST SESSION

H. R. 1035

IN THE SENATE OF THE UNITED STATES

JULY 29, 2009

Received

AUGUST 7, 2009

Read twice and referred to the Committee on Environment and Public Works

AN ACT

To amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Morris K. Udall Schol-
3 arship and Excellence in National Environmental Policy
4 Amendments Act of 2009”.

5 **SEC. 2. SHORT TITLE.**

6 Section 1 of the Morris K. Udall Scholarship and Ex-
7 cellence in National Environmental and Native American
8 Public Policy Act of 1992 (20 U.S.C. 5601 note; Public
9 Law 102–259) is amended to read as follows:

10 **“SECTION 1. SHORT TITLE.**

11 “‘This Act may be cited as the ‘Morris K. Udall and
12 Stewart L. Udall Foundation Act’.”.

13 **SEC. 3. FINDINGS.**

14 Section 3 of the Morris K. Udall and Stewart L.
15 Udall Foundation Act (20 U.S.C. 5601) is amended—

16 (1) in paragraph (3), by striking “and” at the
17 end;

18 (2) in paragraph (4), by striking the period at
19 the end and inserting a semicolon; and

20 (3) by adding at the end the following:

21 “(5) the Foundation—

22 “(A) since 1995, has operated exceptional
23 scholarship, internship, and fellowship programs
24 for areas of study related to the environment
25 and Native American tribal policy and health
26 care;

1 “(B) since 1999, has provided valuable en-
2 vironmental conflict resolution services and
3 leadership through the United States Institute
4 for Environmental Conflict Resolution; and

5 “(C) is committed to continue making a
6 substantial contribution toward public policy in
7 the future by—

8 “(i) playing a significant role in devel-
9 oping the next generation of environmental
10 and Native American leaders; and

11 “(ii) working with current leaders to
12 improve decisionmaking on—

13 “(I) challenging environmental,
14 energy, and related economic prob-
15 lems; and

16 “(II) tribal governance and eco-
17 nomic issues;

18 “(6) Stewart L. Udall, as a member of Con-
19 gress, Secretary of the Interior, environmental law-
20 yer, and author, has provided distinguished national
21 leadership in environmental and Native American
22 policy for more than 50 years;

23 “(7) as Secretary of the Interior from 1961 to
24 1969, Stewart L. Udall oversaw the creation of 4
25 national parks, 6 national monuments, 8 national

1 seashores and lakeshores, 9 recreation areas, 20 his-
2 toric sites, and 56 wildlife refuges; and

3 “(8) it is fitting that the leadership and vision
4 of Stewart L. Udall in the areas of environmental
5 and Native American policy be jointly honored with
6 that of Morris K. Udall through the foundation
7 bearing the Udall name.”.

8 **SEC. 4. DEFINITIONS.**

9 Section 4 of the Morris K. Udall and Stewart L.
10 Udall Foundation Act (20 U.S.C. 5602) is amended—

11 (1) in paragraph (1), by striking “Morris K.
12 Udall Scholarship and Excellence in National Envi-
13 ronmental Policy”;

14 (2) in paragraph (5), by striking “Scholarship
15 and Excellence in National Environmental Policy”
16 and inserting “and Stewart L. Udall”; and

17 (3) in paragraph (9), by striking “Scholarship
18 and Excellence in National Environmental Policy”
19 and inserting “and Stewart L. Udall”.

20 **SEC. 5. ESTABLISHMENT OF FOUNDATION.**

21 Section 5 of the Morris K. Udall and Stewart L.
22 Udall Foundation Act (20 U.S.C. 5603) is amended—

23 (1) in the section heading, by striking “**SCHOL-**
24 **ARSHIP AND EXCELLENCE IN NATIONAL ENVI-**

1 **ENVIRONMENTAL POLICY**” and inserting “**AND STEW-**
 2 **ART L. UDALL**”;

3 (2) in subsection (a), by striking “Scholarship
 4 and Excellence in National Environmental Policy”
 5 and inserting “and Stewart L. Udall”; and

6 (3) in subsection (f)(2), by striking “the rate
 7 specified for employees in level IV of the Executive
 8 Schedule under section 5315 of title 5, United
 9 States Code” and inserting “a rate determined by
 10 the Board in accordance with section 5383 of title
 11 5, United States Code”.

12 **SEC. 6. AUTHORITY OF FOUNDATION.**

13 Section 7 of the Morris K. Udall and Stewart L.
 14 Udall Foundation Act (20 U.S.C. 5605) is amended—

15 (1) in subsection (a)(5)—

16 (A) in subparagraph (C), by striking
 17 “and” at the end;

18 (B) in subparagraph (D), by striking the
 19 period at the end and inserting “; and”; and

20 (C) by adding at the end the following:

21 “(E) to conduct training, research, and
 22 other activities under section 6(7).”; and

23 (2) by striking subsection (b) and inserting the
 24 following:

1 “(b) UDALL SCHOLARS.—Recipients of scholarships,
2 fellowships, and internships under this Act shall be known
3 as ‘Udall Scholars’, ‘Udall Fellows’, and ‘Udall Interns’,
4 respectively.”.

5 **SEC. 7. ESTABLISHMENT OF TRUST FUND.**

6 Section 8 of the Morris K. Udall and Stewart L.
7 Udall Foundation Act (20 U.S.C. 5606) is amended—

8 (1) in the section heading, by striking “**SCHOL-**
9 **ARSHIP AND EXCELLENCE IN NATIONAL ENVI-**
10 **RONMENTAL POLICY**” and inserting “**AND STEW-**
11 **ART L. UDALL**”; and

12 (2) in subsection (a), by striking “Scholarship
13 and Excellence in National Environmental Policy”
14 and inserting “and Stewart L. Udall”.

15 **SEC. 8. EXPENDITURES AND AUDIT OF TRUST FUND.**

16 Section 9(a) of the Morris K. Udall and Stewart L.
17 Udall Foundation Act (20 U.S.C. 5607(a)) is amended by
18 inserting before the period at the end the following: “, in-
19 cluding a reasonable amount for official reception and rep-
20 resentation expenses, as determined by the Board, not to
21 exceed \$5,000 for a fiscal year”.

1 **SEC. 9. USE OF INSTITUTE BY FEDERAL AGENCY OR OTHER**
2 **ENTITY.**

3 Section 11 of the Morris K. Udall and Stewart L.
4 Udall Foundation Act (20 U.S.C. 5607b) is amended by
5 adding at the end the following:

6 “(f) AGENCY MANAGEMENT OR CONTROL.—Use of
7 the Foundation or Institute to provide independent and
8 impartial assessment, mediation, or other dispute or con-
9 flict resolution under this section shall not be considered
10 to be the establishment or use of an advisory committee
11 within the meaning of the Federal Advisory Committee
12 Act (5 U.S.C. App.).”.

13 **SEC. 10. ADMINISTRATIVE PROVISIONS.**

14 Section 12(a) of the Morris K. Udall and Stewart L.
15 Udall Foundation Act (20 U.S.C. 5608(a)) is amended—

16 (1) by striking paragraph (1) and inserting the
17 following:

18 “(1)(A) appoint such personnel as may be nec-
19 essary to carry out the provisions of this Act, with-
20 out regard to the provisions of title 5, United States
21 Code, governing appointments in the competitive
22 service; and

23 “(B) fix the compensation of the personnel ap-
24 pointed under subparagraph (A) at a rate not to ex-
25 ceed the maximum rate for employees in grade GS-
26 15 of the General Schedule under section 5332 of

1 title 5, United States Code, except that up to 4 em-
 2 ployees (in addition to the Executive Director under
 3 section 5(f)(2)) may be paid at a rate determined by
 4 the Board in accordance with section 5383 of that
 5 title.”;

6 (2) in paragraph (6), by striking “and” at the
 7 end;

8 (3) by redesignating paragraph (7) as para-
 9 graph (8); and

10 (4) by inserting after paragraph (6) the fol-
 11 lowing:

12 “(7) to rent office space in the District of Co-
 13 lumbia or its environs; and”.

14 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 13 of the Morris K. Udall and Stewart L.
 16 Udall Foundation Act (20 U.S.C. 5609) is amended—

17 (1) in subsection (a), by striking “is authorized
 18 to be appropriated to the Trust Fund \$40,000,000”
 19 and inserting “are authorized to be appropriated to
 20 the Trust Fund such sums as are necessary”; and

21 (2) by striking subsection (b) and inserting the
 22 following:

23 “(b) ENVIRONMENTAL DISPUTE RESOLUTION
 24 FUND.—There are authorized to be appropriated to the
 25 Environmental Dispute Resolution Fund established

1 under section 10(a) such sums as are necessary for the
2 operating costs of the Institute.”.

Passed the House of Representatives July 28, 2009.

Attest: LORRAINE C. MILLER,
Clerk.